

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

HAWAII CHILDREN'S BLOOD AND)	CIVIL NO. CV03-00708 SOM-LEK
CANCER GROUP,)	(Other Civil Action)
)	
Plaintiff,)	DECLARATION OF KENNETH S.
)	ROBBINS
vs.)	
)	
HAWAII PACIFIC HEALTH;)	
KAPI'OLANI MEDICAL)	
SPECIALISTS; KAPI'OLANI)	
MEDICAL CENTER FOR)	
WOMEN AND CHILDREN,)	
)	
Defendants.)	
_____)	

DECLARATION OF KENNETH S. ROBBINS

I, KENNETH S. ROBBINS, make the following declaration on
personal knowledge and am competent to testify to the matters stated therein.

1. I am an attorney licensed to practice in all courts in the state of
Hawaii.
2. I make this declaration on personal knowledge of the facts set
forth in this declaration and am competent to testify to the matters stated herein.

3. I am the principal attorney for Defendants Hawai'i Pacific Health, Kapi'olani Medical Specialists, and Kapi'olani Medical Center for Women and Children ("HPH Defendants") in the above-captioned matter.

4. On the morning of January 18, 2006, I received the order of the Honorable Susan Oki Mollway granting Plaintiffs' Ex Parte Motion to Shorten Time for Hearing on Plaintiffs' Motion to Strike or Dismiss Defendants' Motion.

5. At that time, I had not yet received a copy of Plaintiffs' motions which led to Judge Mollway's order described above.

6. I thereupon telephoned Rafael del Castillo, Esq., one of Plaintiffs' attorneys, to ask that he kindly transmit a copy of Plaintiffs' Motion to Strike or Dismiss Defendants' Motion. Mr. del Castillo said that he would do so.

7. During that same telephone conversation, I asked Mr. del Castillo if he could advise me of the basis for Plaintiffs' Motion to Strike or Dismiss Defendants' Motion ("Plaintiffs' Motion") to which he responded that Defendants' Motion to Dismiss, Stay or Continue, filed herein on January 11, 2006, was filed beyond the dispositive motions cutoff, as set forth in Judge Kobayashi's Amended Rule 16 Scheduling Order filed on July 21, 2005.

8. Immediately following my telephone conversation with Mr. del Castillo, I reviewed the Second Stipulation and Order Extending Time for the

Parties to Submit the Written Reports of Their Experts ("Stipulation"), which was filed in this action on October 28, 2005, a true and accurate copy of which is attached hereto as Exhibit "A", I reviewed that stipulation and noted that there was an obvious oversight in that stipulation.

9. While counsel for the parties herein agreed to extend the deadlines for their respective experts to submit written reports and to extend the deadlines for the oral depositions of experts in this case to February 18, 2006 and February 26, 2006, for the depositions of Plaintiffs' and Defendants' expert witness depositions respectively, it was clearly an oversight to have not extended other pretrial deadlines, including the deadline for the filing of dispositive motions for the reason that many, if not most, dispositive motions cannot be filed until discovery has been concluded, including depositions of expert witnesses.

10. Upon noting this oversight, I telephoned Mr. del Castillo again and discussed this oversight with him and asked him whether he would be agreeable to entering into a stipulation to modify the Amended Rule 16 Scheduling Order to include adjusting other pretrial deadlines, including the deadline within which to file dispositive motions. Mr. del Castillo advised me that he would have to discuss this matter with his client and would get back to me. In that conversation, I advised Mr. del Castillo that in view of the deadline within which to

respond to his motion is 9:00 a.m. tomorrow morning and as my only other alternative is to seek a court-ordered modification of the pretrial order to correspond with Exhibit "A", I would commence the preparation of a Motion to Modify the Amended Rule 16 Scheduling Order to correspond to the said Exhibit "A".

11. The pretrial deadlines established in Magistrate Leslie E. Kobayashi's Rule 16 Scheduling Order filed on March 24, 2004, have been postponed or continued by mutual agreement of the parties.

12. On July 16, 2004, the parties first stipulated to extend the time in which to disclose the identity and written reports of their experts for approximately one month. Attached hereto as Exhibit "B" is a true and accurate copy of the First Stipulation and Order filed on July 29, 2004.

I declare under penalty of law that the foregoing statements are true and correct.

DATED: Honolulu, Hawaii

JAN 18 2006



KENNETH S. ROBBINS

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